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OFFICE OF PETITIONS

PETITION
RENEWAL/
RESPONSE

In re PATENT NO.: 6,636,584
ISSUED: October 21, 2003
APPLICATION NO.: 10/024,035
FILED: December 17, 2001
DOCKET NO.: 22027.CIP3.CON

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

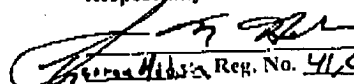
Dear Sir:

Petitioner renews its Petition for an Unintentionally Delayed Claim for the Benefit of Priority Under 35 U.S.C. 120 filed for the above referenced patent under 37 CFR 1.78(a)(3) on September 9, 2005.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on May 31, 2006.

Respectfully submitted,


Thomas H. Davis Reg. No. 41,077

REMARKS

Petitioner's Petition for an Unintentionally Delayed Claim for the Benefit of Priority Under 35 U.S.C. 120 was dismissed for not including a certificate of correction. Petitioner hereby submits a certificate of correction and renews its petition. The petition fee has already been paid.

Petitioner notes the response to the petition states that "since the application referenced above matured into Patent No. 6,636,584 on October 21, 2003, a petition under 37 CFR 1.78(a)(3), along with a submission of a Certificate of Correction is the appropriate avenue of relief to accept a late claim for the benefit of priority to prior-filed nonprovisional applications after issuance of the application into a patent." Accordingly, Petitioner has enclosed a Certificate of Correction containing the proposed corrections along with the instant request for renewal of the petition filed on September 9, 2005.

The priority claim presently states:

"This is a continuation of U.S. Patent application Ser. No. 09/471,106, titled Apparatus And Method For Imaging Objects With Wavefields, and filed Dec. 21, 1999, which is incorporated herein by reference";

but is corrected to state:

"This is a continuation of U.S. Patent application Ser. No. 09/471,106, titled Apparatus And Method For Imaging Objects With Wavefields, and filed Dec. 21, 1999, now U.S. Patent No. 6,587,540, which is incorporated herein by reference, which is a continuation-in-part of U.S. Patent Application Serial No. 08/706,205, filed on Aug. 29, 1996, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 08/486,971, filed on June 22, 1995, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 07/961,768, filed on Oct. 14, 1992, now U.S. Patent No. 5,588,032."

CONCLUSION

In light of the above, Petitioner respectfully request it's Petition for an Unintentionally Delayed Claim for the Benefit of Priority Under 35 U.S.C. 120 be renewed. If any impediment to the renewal of the Petition remains after submission of the Certificate of Correction, the Petition Examiner is strongly encouraged to call Garron M. Hobson at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Petitioner encloses a check in the amount of \$100.00 for the Certificate of Correction fee. It is Petitioner's understanding that an additional Petition fee is not required. However, the Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Petition Renewal Request to Deposit Account No. 20-0100.

DATED this 21 day of Jan, 2006.

Respectfully submitted,



Garron M. Hobson
Registration No. 41,073

THORPE NORTH & WESTERN, LLP
Customer No. 20,551
P.O. Box 1219
Sandy, Utah 84091-1219
Telephone: (801) 566-6633

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PTO/SB/44 (04-05)

Approved for use through 04/30/2007. OMB 0651-0033

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(Also Form PTO-1050)UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

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PATENT NO. : 6,636,584

APPLICATION NO.: 10/024,035

ISSUE DATE : Oct. 23, 2003

INVENTOR(S) : Steven A. Johnson, David T. Borup, James Wiskin, Michael J. Berggren

OFFICE OF PETITIONS

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 1, line 5 should read:

This is a continuation of U.S. Patent application Ser. No. 09/471,106, titled Apparatus And Method For Imaging Objects With Wavefields, and filed Dec. 21, 1999, --now U.S. Patent No. 6,587,540,-- which is incorporated herein by reference --, which is a continuation-in-part of U.S. Patent Application Serial No. 08/706,205, filed on Aug. 29, 1996, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 08/486,971, filed on June 22, 1995, now abandoned, which is a continuation-in-part of U.S. Patent Application Serial No. 07/961,768, filed on Oct. 14, 1992, now U.S. Patent No. 5,588,032--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Thorpe North and Western, c/o Garron M. Hobson
P.O. Box 1219
Sandy, Utah 84091-1219

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAY 12 2006

In re Patent No. 6,636,584
Issued: October 21, 2003
Application No. 10/024,035
Filed: December 17, 2001
Attorney Docket No. 22027.CIP3.CON

DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 9, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

However, since the instant application matured into Patent No. 6,636,584 on October 21, 2003, a petition under 37 CFR 1.78(a)(3), *along with submission of a Certificate of Correction*, is the appropriate avenue of relief to accept a late claim for the benefit of priority to prior-filed nonprovisional applications after issuance of the application into a patent. Petitioner did not include a Certificate of Correction with the instant petition.

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a Certificate of Correction, along with a renewed petition under 37 CFR 1.78(a)(3), is required.

Further correspondence with respect to this matter should be addressed as follows:

ZIONS
Sandy ONLNATIONAL BANK
6 West 10500 South
Utah 84070

24357

31-5/1240
19THORPE NORTH & WESTERN, L.L.P.
GENERAL OPERATING ACCOUNTP.O. BOX 1219
SALT LAKE CITY, UT 84091-1219
PH. (801) 566-6633

1/31/2006

PAY TO THE ORDER OF Commissioner of Patents and Trademarks

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One Hundred and 00/100 ***** DOLLARS

MEMO 22027.CIP3.CON.

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22027.CIP3 CON Client Technician
Serial No. 10/024,035 Atty GMY/LF
Date Mailed: 1-31-06

Please acknowledge receipt of:

- ☐ Patent Application ☐ Informal ☐ Formal
- ☐ Drawings ☐ sheets
- ☐ Certificate of Mailing
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- ☒ Check No. 24357 for \$ 100
- ☐ Declaration and Petition
- ☐ Power of Attorney
- ☐ Express Mail No.
- ☐ IDS, PTO 1449 & References
- ☐ Transmittal Letter
- ☐ Assignment with Cover
- ☐ Amendment
- ☐ Response
- ☐ Extension of time petition
- ☐ Missing Parts Response & copy to office
- ☐ Missing Parts
- ☐ Issue fee transmittal & advance order
- ☐ Maintenance fee transmittal
- ☐ Request for PCT
- ☐ Demand for PCT examination
- ☐ PCT Fees
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Patent No. 6,636,584


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Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3282.


Liara Chase
Petitions Examiner
Office of Petitions

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FACSIMILE No.: (571) 273-8300

FROM: GARRON M. HOBSON

TRANSMITTED BY: EILEEN FUESSEL

DOCKET No.: 22027.CIP3.CON

REMARKS:

Per your conversation with Robert L. Lundstrom, please see attached documents

Eileen Fuessel
Eileen Fuessel, Assistant to
Robert L. Lundstrom

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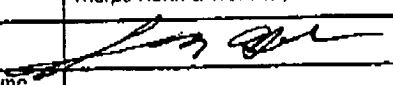
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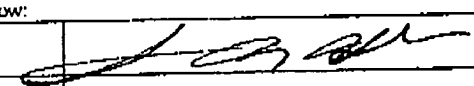
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/024,035	
	Filing Date	12/17/05	
	First Named Inventor	Johnson	
	Art Unit	MAY 12 2006	
	Examiner Name	MAY 10 2006	
Total Number of Pages in This Submission	5	Attorney Docket Number	OFFICE OF PETITIONS

ENCLOSURES (Check all that apply)		
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Remarks Certificate of Correction Petition Renewal/Response check \$100		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Thorpe North & Western, LLP	
Signature		
Printed name	Garron M. Hobson	
Date	Jan 31, 2006	Reg. No. 41,073

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Garron M. Hobson
Date	Jan 31, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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